HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2) (b)

Description of the case.

W.P. No. 3558/01 (S/S)

(Old No. 18529/98)

Art Trained Unemployed Association

Vs.

State of U.P. and others.

A.F.R. (Approved for reporting)

~~Not approved for reporting~~

Initial of Judge 30.08.2006

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 3558 (SS) OF 2001
(Old No. 18529/98)

Art Trained (Intermediate Grade Drawing Examination Bombay) Unemployed Assoiation, through its President Shir Vinod Prasad Tiwari, S/o Shir Jagdish Prasad Tiwari, Dobhal Bhawan, Block Road, Chamma, District- Tehri Garhwal.

.....Petitioner.

Versus

1. State of U.P., through Secretary Ministry of Education, U.P. Lucknow.
2. Director of Education (Secondary) U.P., Allahabad.
3. Secretary U.P. Basic Shiksha Parishad, Allahabad.
4. Regional Joint Director of Education, Garhwal Mandal, Pauri Garhwal. .....Respondents.

&

WRIT PETITION NO. 3560 (SS) OF 2001

1. Vinod Prasad Tiwari,
   S/o Sri J.P. Tiwari,
   R/o Narendra Nagar,
   Tehsil- Garhwal, U.P.
2. Smt. Anita Kothari, D/o Sri Bachiram,
   C/o Shir S.D. Kothari, Assistant Teacher, C.I.C.
   Rajakhet, District Tehri Garhwal.
3. Prabhuala Chamoli, S/o Shri Sitaram Chamoli, C/o C.I.C.
   Rajakhet, District- Tehri Garhwal.

4. Km. Subhashinin Bahuguna, D/o Shir Ramesh Dutt Bahuguna, R/o Village and Post Rajakhet (Dharmandal), District- Tehri Garhwal.
5. Umed Singh, D/o Shir Kalam Singh, R/o Village and Post Awali, P.O. Katal, Tehri Garhwal.
6. Ranveer Singh, S/o Sri Sunder Singh, R/o Village and Post Thatur (Paligarh), District- Tehri Garhwal.
7. Smt. Vidyawati Uniyal, D/o Sri Pitambar Dutt, C/o Tiwari Villa, Narendra Nagar, District- Tehri Garhwal.
8. Ramanand Joshi, S/o Shir Upendra Dutt Joshi, R/o Village Gujetha, Post Hinisisiyakhal, District- Tehri-Garhwal.
9. Km. Anita, D/o Shri Layak Ram Bahtt, R/o Village Surans Ganw, Post Office Silyara (Ghansali), District- Tehri Garhwal.
10. Shri Matwar Lohar, S/o Sri Asaru, R/o Village Gurcholi (Hinsasiyakhal), Post Office Devprayag, District- Tehri Garhwal.
11. Prem Lal, S/o Shir Janardhan Parsad, C/o C.I.C. Dangchanura, District- Tehri Garhwal.
12. Shri Jai Parkash, S/o Shri Bhajeram Nauitayl, R/o Village Syalsi, Post Officer Bhawari, District- Tehri Garhwal.
13. Shri Hukum Singh Bhandari, S/o Shir Mohan Singh , C/o Shir Narendra Singh Negi, R/o Veena General Store Madhi Chauraha, District- Tehri Garhwal.
14. Km. Snehlata, D/o Shri Jagdish Prasad, R/o Tiwai Villa, Narendra Nagar, District- Tehri Garhwal.
15. Km. Jomati Bhatt, D/o Sri Patiram, C/o Dr. V.P. Tiwari, R/o Dobhal Bhawan Block Road, Chamba, District- Tehri Garhwal.

16. Shri Mahaveer Prasad Nautiyal, S/o Sri K.N. Nautiyal, R/o Village Syalsi, Post Office Bhawan (Janunpur), District Tehri Garhwal. .....Petitioners.

Versus

1. State of U.P., through Secretary Ministry of Education, U.P. Lucknow.
2. Secretary U.P. Basic Education, U.P. Lucknow.
3. Director of U.P. Basic Education, Lucknow.
4. Zila Basic Shiksha Adhiakari, Tehri Garhwal.
5. Controller of Examinations, Directorate of Art, Maharashtra State, School of Art Compound, Dr. D.N. road, Bombay. .....Respondents.

&

WRIT PETITION NO. 3559 (SS) OF 2001

1. Bhagatram Dobriyal,
   S/o Sri Budhiram Dobriyal,
   C/o Shir Bachal Singh Bisht,
   R/o Village Manpur, Kotdwar,
2. Shri Satish Chandra Pandey,
   S/o Sri Khusal Mani Sharma,
   R/o Village Patal, Post Officer Kotdwara,
   District- Pauri Garhwal.
3. Ravindra Siongh Rawat, S/o Shir Jagdamba Prasad, R/o Village Bacheti, Post Office Ekeswar, District – Pauri Garhwal.

4. Shir Loeksh Chandra Pokhriyal, S/o Shir Jagdamba Prasad, R/o Village Bacheti, Post Office Ekeswar, District Pauri Garhwal.
5. Shri Geeta Ram, S/o Shri Trilok Chandra, R/o Village Talgal, Post Office Rithakhal, District- Pauri Garhwal.
6. Dhanwan Singh, S/o Shri Bir Singh, R/o Village and Post Dwari Khal, District- Pauri Garhwal.
7. Anand Singh, S/o Shri Khyat Singh, C/o Saraswati Sadan, Police Line, District- Pauri Garhwal.

.....Petitioners.

Versus

1. State of U.P., through Secretary Ministry of Education, U.P. Lucknow.
2. Secretary U.P. Basic Education, U.P. Lucknow.
3. Director of U.P. Basic Education, Lucknow.
4. Zila Basic Shiksha Adhiakari, Pauri Garhwal.
5. Controller of Examinations, Directorate of Art, Maharashtra State, School of Art Compound, Dr. D.N. road, Bombay. .....Respondents.

Dated: 30.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri P.C. Jhingan, Advocate for the petitioners and Standing Counsel for the respondents.

2. By the present writ petitions, the petitioners have prayed for a writ of certiorari quashing the advertisement dated 21st October, 1997 (Annexure –II to the writ petition) issued by Regional Joint Director of Education, Garhwal Mandal Pauri Garhwal.

3. So far as the relief with regard to the quashing of the advertisement dated 21.10.1997 is concerned, the same has become inoperative. Selection has already taken place with regard to the advertisement, which has been claimed by the petitioner.

4. The grievance of the petitioner is that the petitioner association is holding the certificated of Intermediated Grade Drawing Examination from Bombay and the qualification for teaching Art subject to the students of High School are given in Appendix 'A' of Chapter- II of the Regulations framed under U.P. Intermediated Education, 1921 to the following effect:-

"*For High School Classes (IX & X)*

1. *Art Master's Training Certificate (Formerly known as Drawing Teacher's Training Certificate) of the Government School of an Art and Crafts, Lucknow.*

Or

2. *Intermediate Examination of the Board of High School and Intermediated Education, Uttar Pradesh with Teaching Drawing.*

Or

3. *High School Examination with Technical Drawing and any one of the following qualification:*

(a) B.A. with Drawing of Painting.

Or

(b) Fine Art Diploman of Kala Bhawan, Shanti Niketan;

Or

(c) Certificate of the Government Drawing and Hindi Craft Centre Allahabad;

Or

(d) Final Drawing Teachership Examination Calcutta;

Or

(e) *Teacher's Senior Certificate Examination, Mayor School of Arts Lahore;*

Or

(f) *Intermediate Grade Drawing Examination, Bombay;*

Or

(g) Third Grade Arts School Examination, Bombay."

The petitioners have a grievance that they have not been considered although the advertisements have been made from time to time.

In the event any applications are preferred by the candidates, the Director of Education (Secondary), Uttaranchal is directed to consider their claims framed under the Intermediate Education Act.

Subject to the aforesaid, writ petitions are disposed of. No order as to costs.

(Rajesh Tandon, J.)

30.08.2006

Rathour